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June 19, 2013

**BY FEDERAL EXPRESS**

The Honorable William H. Pauley III  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *U.S. v. Nicanor Fernandez*  
12-CR-65 (WHP)

Dear Judge Pauley:

I write to request an adjournment of Mr. Fernandez's sentencing, currently scheduled for July 11. Other matters with near term deadlines, some of which are not amenable to adjournment, limit my time for preparation of a sentencing memorandum to less than I believe necessary. First, I am laboring under a July 3 deadline for Appellant's brief in the Second Circuit in *United States v. Kestenbaum*. Second, in *United States v. Finazzo*, an Eastern District of New York matter, I have a deadline of June 26 for the preparation of a memorandum of law in connection with a post trial motion to vacate the verdict. Third, I am drafting a petition for certiorari due July 22 in the Supreme Court on behalf of Dennis Kozlowski from the Second Circuit's opinion in *Kozlowski v. Hulihan*. And fourth, I have a near term deadline for the filing of a reply brief in *Umali v. Heath*, also a Second Circuit appeal. Furthermore, while I have not yet made objections to the Probation Report, I ask for an opportunity to do so. I did not receive the Probation Report when it was sent because the Probation Officer sent it by email, to the incorrect address. If the Court and government counsel are available, I respectfully request an adjourned date during the first two weeks in August. If not, I suggest that the assigned Assistant, Steve Lee, and I speak with your courtroom deputy to schedule a date on which the Court and parties are available.

The government, by AUSA Lee, has conveyed its consent to this request. This is Mr. Fernandez's first request to adjourn the sentencing.

Respectfully yours,

*Alan S. Lewis*  
Alan S. Lewis

*Application granted*  
Sentencing is adjourned  
to August 9, 2013 at 4:00 p.m.

ASL:bp

cc: **VIA E-MAIL**  
AUSA Steve C. Lee

**SO ORDERED:**

*William H. Pauley III*  
WILLIAM H. PAULEY III U.S.D.J.